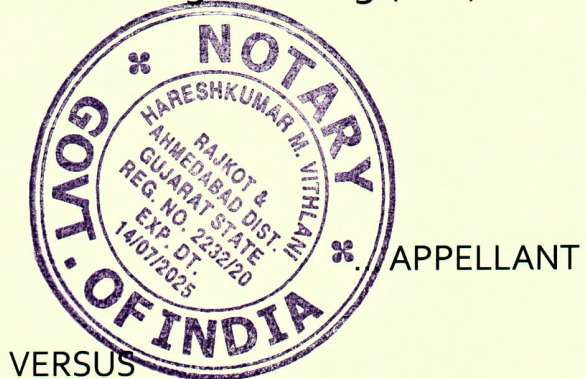


BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 65 OF 2023 (WZ)

IN THE MATTER OF:

RAKESH PATEL



VERSUS

STATE OF GUJARAT AND ORS.

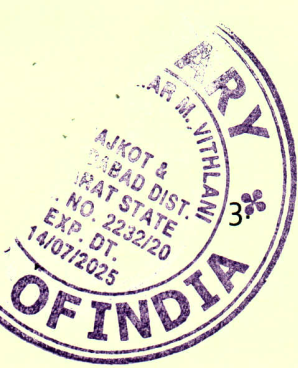
... RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7 – GUJARAT
POLLUTION CONTROL BOARD**

I, Bindeshwar Deonarayan Prasad, adult, having my office at Paryavaran Bhavan, Section 10-A, Gandhinagar, Gujarat do hereby solemnly affirm and state an oath as under:

1. I am presently serving as Environmental Engineer with Gujarat Pollution Control Board. I have perused the record pertaining to the case available in my office and am conversant with the facts of the case. I am authorized to swear the present affidavit on behalf of the Gujarat Pollution Control Board and am otherwise competent to make the present affidavit.
2. I am filing the present affidavit in compliance of order dated 30.08.2024 wherein this Hon'ble Tribunal directed the Gujarat Pollution Control Board to file an affidavit placing on record the steps taken by the Board concerning two industries namely - M/s Chemstar Organics (I) Ltd. and M/s TML Industries Ltd which were found to have violated environmental norms during the course of inspection conducted by the Joint Committee constituted by this Hon'ble Tribunal.

Bindeshwar



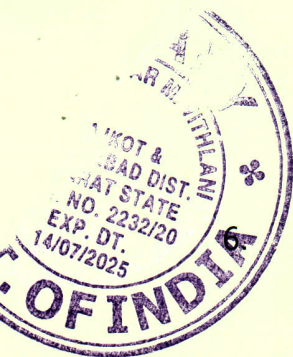
In the case of M/s Chemstar Organics (I) Ltd., inspections were carried out by the officers of the Board on 15.07.2021, 03.09.2021 and 17.09.2021. The industry was found to be in violation of environmental norms. Accordingly, a direction for closure of the unit was issued by the Board on 25.11.2021 under Section 5 of Environment Protection Act, 1986. The Board calculated interim Environmental Damage Compensation to the tune of Rs. 50 lakhs and intimated the requirement to deposit the said amount to the industry. A Bank Guarantee to the tune of Rs.1,50,000/- was also required to be submitted by the industry.

4. The industry made an application for revocation of the closure order and assured that it would pay the amount of interim environment damage compensation. On 10.03.2022 out of the total amount of Rs. 50 lakhs, the industry deposited an amount of Rs. 25 lakhs with the Board. The industry also deposited the amount of bank guarantee with the Board. The industry gave an undertaking to the Board to pay the remaining amount of Rs. 25 lakhs within a period of six months. Considering the undertaking given by the industry, the Board temporarily revoked the closure order for a trial period of three months. On expiration of the period of 03 months, no order was passed by the Board continuing the revocation of the closure direction.
5. Though committed, the unit did not pay the balance amount of environment damage compensation. Surprisingly, the unit approached this Hon'ble Tribunal by preferring an Appeal No. 53 of 2022 praying for setting aside the remaining amount of interim environment damage compensation levied by the Board. This Hon'ble Court by its order dated 02.12.2022 passed the following directions:

"13. Looking to the financial condition of the Appellant, we expect the GPCB would not be insisting upon payment of the interest before giving it final hearing.

14. Accordingly, this appeal stands disposed of with the direction that an undertaking shall be filed by the Appellant within a period of one week stating there-in that it would make the payment of balance amount of Rs. 25 lakhs within a period of 03(three) months positively. In case, the Appellant fails to make payment within 03(three) months as per the undertaking, the GPCB would be at liberty to proceed in accordance with law."

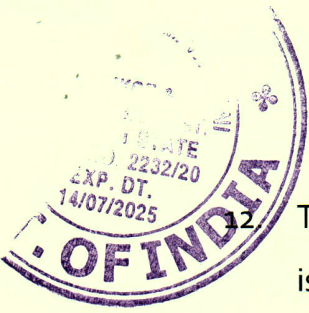
Bf 2022



This Hon'ble Tribunal has not exempted the unit from paying the damage compensation, nor disturbed the amount of compensation. Be that as it may, the unit did not pay the environment damage compensation within a week or even thereafter. Till date, the amount has not been paid by the industry.

7. On 02.08.2024, an inspection was carried out by the Board wherein the plant was not found to be in operation. It was informed that the plant has not been in operation from a long period.
8. It is stated that a decision has been taken by the Board that only after the unit deposits the remaining amount of compensation and reports compliance with environmental norms and notified deficiencies, the Board shall consider revocation of closure direction previously issued by it and permit the industry to carry out industrial operations.
9. As regards M/s TML Industries Ltd., an inspection was conducted by the Board on 08.08.2023. During such inspection certain non-compliances were noticed and the industry was intimated about the need for corrective measures. These non-compliances were minor in nature, and not such which warranted directing closure of the unit. The industry reported compliance to the Board. On verification, it was found that the unit has taken corrective measures and is now complying with all environmental norms. As on date, the unit is compliant and is not found to be either defying any conditions of operation or otherwise causing pollution.
10. In so far as the other 04 units are concerned, the steps taken against those units have been mentioned in the detailed report submitted to the Hon'ble Tribunal.
11. Considering the fact that these units have been found to be violating the environmental norms and laws, the Board shall continue to monitor their operations closely and ensure that each of them (M/s Chemstar Organics (I) Ltd. – as and when it starts its operations) strictly comply with the operation conditions and do not cause any pollution or any other damage to the environment.

Boh...



The Board remains committed to follow any other directions that may be issued by this Hon'ble Court and assures that it shall continue to abide by orders of this Hon'ble Court.

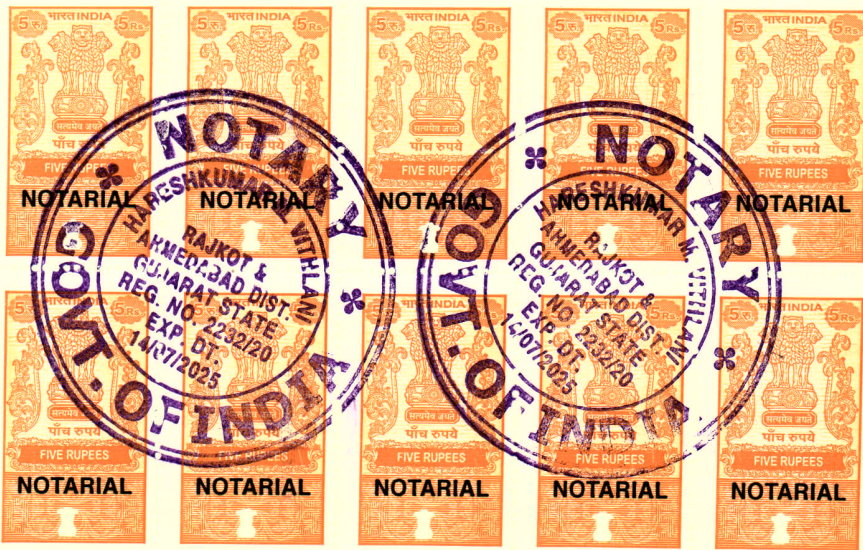
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DEPONENT

Verified at Ahmedabad on this 26th day of August, 2024 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

[Handwritten signature]

DEPONENT



BOOK No.: 02
PAGE No.: 79
SR No.: 488
Date: 26/09/2024

SOLEMNLY AFFIRMED
BEFORE ME

[Handwritten signature]
H. M. VITHLANI
NOTARY
GOVT. OF INDIA